



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,940	12/29/2000	Christian C. Ellens	56130.000044	6806

7590 09/05/2006  
Hunton & Williams  
1900 K Street, N.W.  
Washington, DC 20006-1109

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
----------	--------------

2193

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/749,940

**Applicant(s)**

ELLENS ET AL.

**Examiner**

William H. Wood

**Art Unit**

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65,67 and 68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65,67 and 68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-65 and 67-68 are pending and have been examined.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 37, 50, 54-57, 61, 63, 65 and 67-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The “means for” claims 37, 50, 54, 61, 63 and 65 and the “computer readable medium” claims 55-57 and 67-68 are not tangible as the claims are not limited to tangible products or mediums (Specification: page 3, lines 19-30; note transmission media, line 22). A signal has no physical structure and does not itself perform any useful, concrete and tangible result.

3. Claims 1-27, 37, 50, 54, 58-59, 61 and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system/apparatus claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

4. Claims 28-36, 38-49, 51-53, 60 and 62-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68 are rejected under 35 U.S.C. 102(b) as being anticipated by **Svedberg** et al. (USPN 5,408,218).

**Claim 1**

**Svedberg** disclosed a system for managing a component-based system (*column 2, lines 30-34*), comprising:

- ♦ one or more application components, each of the components associated with a managed object representation comprising management logic of the component (*column 4, line 68 to column 5, line 7, MOs being for software and hardware*); and
- ♦ a management core providing a managed object view of each managed object representation (*column 11, lines 16-24; modeled MOs*) and allowing manipulation of management attributes of each managed object representation through at least one predetermined event policy (*column 10, line 34 to column 11, line 34; predetermined event policy, at least the three bulleted items*), wherein the management core includes a management event concentrator for receiving and concentrating events from the managed object representations associated with the application components (*column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating*)
- ♦ wherein when a predetermined event is reported in association with one of the components, an associated event policy of the at least one predetermined event policy is performed (*column 11, lines 22-34*).

Art Unit: 2193

Claim 2

**Svedberg** disclosed the system of claim 1 further comprising a management framework including the managed objects and supporting a variety of access mechanisms to the managed object (*column 5, lines 1-7; column 9, lines 3-27*).

Claim 3

**Svedberg** disclosed the system of claim 2 further comprising at least one management application associated with the management framework performing management functions on the managed object wherein performance of one of the at least one predetermined event policy causes performance of a predetermined one of the at least one management application (*column 11, lines 24-34; note functionality provided indicating application or module*).

Claim 6

**Svedberg** disclosed the system of claim 1 wherein the management attributes comprise at least one of: ability to provide service, usage of the component, degree to which the component is allowed to provide service, status and alarm attributes (*column 10, line 34 to column 11, line 34, note in particular column 10, line 41 to column 11, line 3*).

Claim 7

**Svedberg** disclosed the system of claim 1 wherein the predetermined event is a fault and the associated event policy is a fault management event policy  
(column 2, lines 30-34).

Claim 8

**Svedberg** disclosed the system of claim 7 wherein the fault management event policy comprises current status maintenance (column 10, lines 34 to column 11, lines 34).

Claim 9

**Svedberg** disclosed the system of claim 1 wherein the predetermined event is an alarm and the associated event policy is an alarm reporting function  
(column 10, lines 34 to column 11, lines 34; note in particular column 11, line 31, recording for analysis, ie. reporting).

Claim 10

**Svedberg** disclosed the system of claim 1 wherein the management attributes comprise component dependency status (column 12, line 41 to column 13, line 28).

Art Unit: 2193

Claim 11

**Svedberg** disclosed the system of claim 1 further comprising at least one metric associated to the managed object wherein the at least one metric may be used to measure performance attributes of the component (*column 11, lines 8-15, thresholds*).

Claim 13

**Svedberg** disclosed the system of claim 1 wherein the at least one predetermined event and the associated event policy are configured into the managed object view of the component (*column 11, lines 16-22, MOs*).

Claim 19

**Svedberg** disclosed the system of claim 1 wherein the system is a telephony network (*column 1, line 20*).

Claim 20

**Svedberg** disclosed the system of claim 1 wherein the system is a hybrid network (*column 1, line 15, complex electrical systems*).

Claim 21

**Svedberg** disclosed a system for managing a component-based system, comprising:



- ♦ one or more application components, each of the components associated with a managed object representation comprising management logic of the component (*column 4, line 64 to column 5, line 10*); and
- ♦ a management framework including the managed objects and a management event concentrator and allowing manipulation of management attributes of each managed object through at least one predetermined event policy (*column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34*).
- ♦ (*additional limitations correspond to claim 1 and are rejected in the same manner*)

Claim 22

**Svedberg** disclosed the system of claim 21 wherein the managed object comprises a managed object interpreter and at least one management component, each management component including one of the management attributes (*column 11, lines 35-42*).

Claim 23

**Svedberg** disclosed the system of claim 21 wherein each managed object in the system sends management events to the management event concentrator (*column 2, line 30 to column 3, line 63; column 1, lines 31-34; column 3, lines 61-*

*63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating).*

Claim 24

**Svedberg** disclosed the system of claim 23 further comprising at least one manager module coupled to the management event concentrator wherein each manager module monitors a specific management attribute for the system *(column 11, lines 24-34; note functions embodied in some structure).*

Claim 25

**Svedberg** disclosed the system of claim 24 further comprising a management layer including the at least one manager module and at least one node specific management application programming interface ("API") wherein each manager module reports management information to a node specific element management system through the node specific API *(column 9, lines 3-27; note Object Programmer's Interface).*

Claim 26

**Svedberg** disclosed the system of claim 21 wherein each managed object and each management component comprise an identifier to allow the management system to access specific management components *(column 13, lines 50-54; column 1, lines 31-36, identification required).*

Claim 27

**Svedberg** disclosed the system of claim 26 wherein the identifiers are mapped into a single tree structure (*figure 9, figure 5*).

Claim 28

**Svedberg** disclosed a method of managing a component-based system (*column 2, lines 30-34; column 4, line 64 to column 5, line 10*) comprising:

- ♦ retrieving a record associated with a component (*column 10, line 34 to column 11, line 34*) over a management event concentrator, wherein the management event concentrator receives and concentrates events from at least one managed object associated with the application components (*column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating*);
- ♦ establishing component events for managing the component (*column 10, line 34 to column 11, line 34*);
- ♦ selecting at least one event policy from a event policies storage area (*column 11, lines 16-34; event policies provided and therefore must be selected at some point*); and
- ♦ associating at least one component event to each selected event policy to configure the component creating a network application, which

Art Unit: 2193

may include additional configured components (*column 11, lines 16-34; event policies clearly associated at some point*),

- ♦ wherein the associated event policy is performed in the component based system if the at least one component event occurs (*column 10, line 34 to column 11, line 34*).

Claim 29

**Svedberg** disclosed the method of claim 28 further comprising storing the network application in an application model storage area (*column 2, lines 30-34, at least the memory of the system*).

Claim 33

**Svedberg** disclosed method of claim 28 further comprising associating the at least one component to a managed object representation in a management framework wherein the managed object representation is associated with the associated event policy (*column 4, line 64 to column 5, line 10; column 11, lines 16-34*).

Claim 34

**Svedberg** disclosed method of claim 28 further comprising associating the component with a management framework coupled to at least one management application performing a management functions wherein performance of the

Art Unit: 2193

associated event policy causes performance of a predetermined one of the at least one management application (*column 11, lines 16-34, the operations must be performed by some "application"; additionally, the overall system column 4, line 64 to column 5, line 10*).

Claim 35

**Svedberg** disclosed method of claim 28 further comprising manipulating management

attributes of the component through the associated event policy wherein the management attributes comprise at least one of: ability to provide service, usage of the component, degree to which the component is allowed to provide service, status and alarm attributes (*see claims 5 and 6*).

Claim 36

**Svedberg** disclosed the method of claim 28 wherein the event policy comprises one of: a state change, a status change and an alarm report (*see claim 9*).

Claim 37

The limitations of system claim 37 correspond to method claims 28 and 21 and as such are rejected in the same manner.

Claim 38

**Svedberg** disclosed a method of managing a component-based system (*column 2, lines 30-34*), comprising:

- a) receiving a report of an event from at least one component (*column 11, lines 22-34*);
- b) performing a management event policy associated with the event if the event matches an event stored in a managed object representation of the component (*column 11, lines 22-34*), wherein the event is received via a management event concentrator for receiving and concentrating events from the managed object representation of the component (*column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating*); and
- c) managing the at least one component using the result of the management event policy performed (*column 10, line 34 to column 11, line 34*).

Claim 39

**Svedberg** disclosed the method of claim 38 wherein performing the management event policy comprises manipulating management attributes of the component (*see claim 1*).

Claim 40

**Svedberg** disclosed the method of claim 39 wherein manipulating the management attributes of the component comprises manipulating indicators of at least one of ability to provide service, usage of the component, degree to which the component is allowed to provide service, status and alarm attributes (*see claim 6*).

Claim 41

**Svedberg** disclosed the method of claim 38 wherein managing the at least one component comprises performing a management application if the result of the management event policy performed matches a predetermined management event policy result (*see claim 34*).

Claim 45

**Svedberg** disclosed the method of claim 38 wherein managing the at least one component comprises storing the result of the component event policy performed in a management aggregator and performing a management event policy when the number of component event policy results stored in the management aggregator reaches a predetermined value (*column 11, lines 8-15, thresholds and means for recording them*).

Claim 46

**Svedberg** disclosed the method of claim 38 wherein the event comprises a fault and performing the associated management event policy comprises performing a fault management event policy (*see claim 7*).

Claim 47

**Svedberg** disclosed the method of claim 46 wherein performing a fault management event policy comprises updating a status of the component (*see claim 8*).

Claim 48

**Svedberg** disclosed the method of claim 38 wherein the event comprises an alarm and performing the event policy comprises reporting the alarm (*see claim 9*).

Claim 49

**Svedberg** disclosed the method of claim 38 further comprising measuring performance attributes of the component using the result of the management event policy (*column 11, lines 31-34*).



Claim 50

The limitations of system claim 50 correspond to method claims 28 and 21 and as such are rejected in the same manner.

Claim 51

**Svedberg** disclosed a method of managing a component based system comprising:

- ♦ registering at least one manager module to monitor a management event for the network (*column 4, line 64 to column 5, lines 17*);
- ♦ receiving an event report from a first component (*column 10, line 34 to column 11, line 34; additional limitations of concentrator, see claim 1*);
- ♦ performing an event policy associated with the event if the event matches a predetermined event policy triggering event (*column 11, lines 16-34*);
- ♦ transmitting a result of the event policy performance to the at least one manager module if the result of the event policy performance matches the management event monitored by the at least one manager module (*column 11, lines 8-34*); and
- ♦ using the result of the event policy performance to manage at least the first component and a second component associated with the first component (*column 11, lines 63-68; column 12, lines 27-33*).

Claim 53

**Svedberg** disclosed the method of claim 51 wherein receiving the event report comprises receiving the event report from a context-specific logic through a context-free management logic of the component (*column 11, lines 16-21*).

Claim 54

The limitations of system claim 54 correspond to method claim 51 and as such are rejected in the same manner.

Claim 55

The limitations of system claim 55 correspond to method claims 28 and 21 and as such are rejected in the same manner.

Claim 56

The limitations of system claim 56 correspond to method claim 38 and as such are rejected in the same manner.

Claim 57

The limitations of system claim 57 correspond to method claim 51 and as such are rejected in the same manner.

Claim 58

**Svedberg** disclosed the system of claim 1 wherein at least one management module is configured to communicate with each management object through a management event concentrator (*column 5, lines 18-28; and column 11, lines 8-34, most importantly note lines 24-34; multiple events controlled by respective systems and concentrated into a main system*).

Claims 59-65 and 67-68

The limitations of claims 59-65 and 67-68 correspond to system claim 58 and as such are rejected in the same manner.

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 15, 16-18, 42-44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svedberg** et al., (USPN 5,408,218).

Claim 4

**Svedberg** did not explicitly state dependency management application performing second event policy in relation to a dependent component if a first event policy is performed on a first component. However, **Svedberg** demonstrated that it was known at the time of invention to perform policy based upon event occurrences (column 11, lines 22-35) and also managed objects/components commonly have dependency relationships (column 2, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the managed object coordination/management system of **Svedberg** with event policy related by dependent components as suggested by **Svedberg**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system of interrelated components with the ability to react and repair/avoid faults/errors in a coordinated manner, event policy included (column 2, lines 30-34; column 1, lines 46-63; column 11, lines 26-30).

Claim 5

**Svedberg** disclosed the system of claim 4 wherein the first management event policy comprises at least one of: a state change, a status change and an alarm report of the first component (*column 10, line 34 to column 11, line 34*).

Claim 15

**Svedberg** disclosed the system of claim 1 wherein the management attributes comprise state and component dependency (*column 12, line 41 to column 13, line 28*). **Svedberg** did not teach wherein a predetermined dependency event policy is performed on a first component based on the state of a second component upon which the first component is dependent. However, **Svedberg** demonstrated that it was known at the time of invention to perform policy based upon event occurrences (*column 11, lines 22-35*) and also managed objects/components commonly have dependency relationships (*column 2, lines 57-61*), state being an event. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the managed object coordination/management system of **Svedberg** with event policy related by dependent components as suggested by **Svedberg**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system of interrelated components with the ability to react and repair/avoid faults/errors in a coordinated manner, event policy included (*column 2, lines 30-34; column 1, lines 46-63; column 11, lines 26-30*).

Claims 16-18

**Svedberg** did not explicitly state the system of claim 15 wherein the dependency event policy comprises startup of the first component; shutdown of

Art Unit: 2193

the first component; and rerouting the dependency of the first component.

However, **Svedberg** demonstrated that it was known at the time of invention to replace component, and thus require startup and shutdown (column 11, lines 24-26), to reroute or reconfigure networks (column 11, lines 27-32) and to provide component dependencies. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management system of **Svedberg** with an event policy performing necessary component operations based upon component dependency relationships as suggested by **Svedberg**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep the entire network, individual MO's and dependency relationship MO's, functioning smoothly and in synch (column 2, lines 57-62).

Claim 42

**Svedberg** disclosed the method of claim 41 wherein the management event policy is a first management event policy and the component is a first component, and performing the management application comprises performing a second management event policy on a second component if the first management event policy is performed on the first component upon which the second component is dependent (*see claim 4*).

Art Unit: 2193

Claim 43

**Svedberg** disclosed the method of claim 38 wherein the first management policy comprises performing at least one of a state change, a status change, an alarm report, a startup and a shutdown of the component (*see claim 5; figure 4, multiple components*).

Claim 44

**Svedberg** disclosed the method of claim 38 wherein the second management event policy comprises performing one of a state change, a status change, an alarm report, a startup, a shutdown and rerouting of the component (*see claim 5 and 16-18; figure 4, multiple components*).

Claim 52

**Svedberg** disclosed the method of claim 51 further comprising:

- ♦ connecting to a first managed object associated with the first component and a second managed object associated with the second component (*column 1, lines 31-45*);
- ♦ associating at least one event policy with at least one event of each of the first component and the second component (*column 1, lines 31-45; column 11, lines 16-34*); and

**Svedberg** did not explicitly state startup of components. However, **Svedberg** demonstrated that it was known at the time of invention to replace component,

Art Unit: 2193

and thus require startup and shutdown (column 11, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management system of **Svedberg** with an event policy performing necessary component operations as suggested by **Svedberg's** own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep the entire network, functioning smoothly and correctly without errors (column 2, lines 57-62; related components going on and offline; column 5, lines 2-43).

9. Claims 12, 14 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svedberg** et al., (USPN 5,408,218) and **Dev** et al. (USPN 5,261,044).

Claim 12

**Svedberg** did not explicitly state the system of claim 1 wherein the at least one predetermined event and the associated event policy may be edited. **Dev** demonstrated that it was known at the time of invention to edit network models (column 10, lines 3-40). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management of network system of **Svedberg** with editing parameters functions as found in **Dev's** teaching. This implementation would have been obvious because one of



ordinary skill in the art would be motivated to provide a flexible system which is capable of change as and administrator deems necessary.

Claim 14

**Svedberg** did not explicitly state the system of claim 13 wherein the at least one predetermined event and the associated event policy are configured using a management editor tool. **Dev** demonstrated that it was known at the time of invention to edit network models (column 10, lines 3-40). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management of network system of **Svedberg** with editing parameters functions as found in **Dev**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a flexible system which is capable of change as and administrator deems necessary.

Claim 30

**Svedberg** and **Dev** disclosed the method of claim 28 wherein associating the component event to the selected event policy comprises associating the component event to the selected event policy using a management editor tool (*see claim 14*).

Claim 31

**Svedberg** and **Dev** disclosed the method of claim 28 further comprising editing the at least one event (*see claim 12*).

Claim 32

**Svedberg** and **Dev** disclosed the method of claim 28 further comprising editing the associated event policy (*see claim 12*).

***Response to Arguments***

10. Applicant's arguments filed 01 June 2006 have been fully considered but they are not persuasive. Applicant argues: <sup>1)</sup> 35 U.S.C. 101 does not prevent a claim to signal representations (remarks: page 5, second paragraph); <sup>2)</sup> the claimed invention does require hardware (remarks: page 5-6, sections B and C); <sup>3)</sup> **Svedberg** did not disclose "wherein the management core includes a management event concentrator for receiving and concentrating events from the managed object representations associated with the application components"; and <sup>4)</sup> the limitations of claim 22 are not disclosed. These arguments are not persuasive.

First, due to the "means for" or "medium" recitations of the claims 37, 50, 54-57, 61, 63, 65 and 67-68, the originally filed disclosure (in this case specification) must be consulted to determine the proper scope. As previously indicated, the specification calls for "transmission media" (Specification: page

3, lines 19-30; note transmission media, line 22), a signal. Claims containing functional descriptive material must be claimed in combination with an appropriate medium in order to be statutory. A signal is not an appropriate medium.

Second, the specification does not require hardware to be present in the claimed invention, thus providing that the claimed invention could be directed to software alone. The sentence actually reads, “embodiments of the invention **are not limited** to specific combination of hardware circuitry and software” (emphasis added, specification: page 3, lines 17-18). The disclosure actively broadens the system/apparatus claims to non-tangible forms making the claims non-statutory under 35 U.S.C. 101.

Third, as previously indicated, a management event concentrator as termed by Applicant (**Svedberg**: column 11, lines 16-34). The cited art’s operation support system (OSS) provides this functionality by receiving alarms in a centralized fashion (concentrating). Concentrating by an entity is a function of receiving the alarms by that entity. Under the broadest reasonable interpretation of the claim language, **Svedberg** is clearly read upon. Further, the originally filed disclosure offers little to further define the concentrator beyond what is above stated.

Fourth, the limitations are clearly present in the cited passage of **Svedberg**. For example, “a general part comprises components that are

common to all Mos" (column 11, lines 35-42); "an application part is an object-specific part for that particular MO"; and "events" and "errors".

Having addressed all of Applicant's concerns, the rejections are maintained as indicated above.

Additional Note: claim 3 though indicated in the response received 01 June 2006 as "currently amended", is not currently amended.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Correspondence Information***

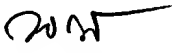
Art Unit: 2193


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
William H. Wood  
Patent Examiner  
AU 2193  
August 25, 2006

  
KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
TECHNICAL CENTER 2193